

May 15, 2015

The Honorable Thomas Perez
Secretary
Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington DC, 20201

The Honorable Jacob J. Lew
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

Dear Secretaries Burwell, Lew, and Perez:

On behalf of the undersigned organizations of health providers and researchers, we write to thank you for issuing the May 11, 2015 Frequently Asked Questions (FAQs) about Affordable Care Act (ACA) Implementation (Part XXVI). The guidance issued by the Departments of Labor, Health and Human Services, and the Treasury (the Departments) to health insurers provides needed clarification about contraceptive coverage requirements under the ACA. The clarifying guidance takes a critical step in helping ensure that women have access to the full range of Food and Drug Administration (FDA)-approved contraceptive methods without cost sharing, as was recommended by the Institute of Medicine and adopted by the Health Resources and Services Administrations (HRSA).

We appreciate the Departments' clarification in guidance that plans must cover at least one form of contraception in each of the eighteen unique FDA-approved methods and that, if an insurer uses reasonable medical management techniques, it must do so in a transparent and expedient manner so that women can obtain the birth control that they need and have chosen with their health care provider.

As you know, two recent reports by the Kaiser Family Foundation (KFF) and National Women's Law Center (NWLC) found that, while most health insurance issuers are complying with the law, too many insurers are not complying with various parts of the contraceptive benefit.^{1,2} The Departments' guidance is an essential step in ensuring women have access to the birth control method that best meets their needs and to removing many of the barriers to no-cost-sharing birth control that women have faced in the years after this policy was implemented.

We look forward to the Departments' monitoring and enforcement of insurers' compliance with the provisions described in the most recent guidance, including use of reasonable medical

management techniques and the expedient exceptions process. The ACA's contraceptive coverage benefit has already positively impacted the lives of millions of women and we look forward to continuing this trend. We again thank the Departments for this latest guidance clarifying several pivotal outstanding implementation issues and ensuring women have the comprehensive contraceptive coverage that was intended under the ACA. Please contact Nevena Minor with the American Congress of Obstetricians and Gynecologists at 202-314-2322 or nminor@acog.org if you have any questions.

Sincerely,

American Academy of Family Physicians
American Academy of Pediatrics
American College of Nurse-Midwives
American Congress of Obstetricians and Gynecologists
American Medical Association
American Medical Student Association
American Medical Women's Association
American Nurses Association
American Public Health Association
Association of Women's Health, Obstetric and Neonatal Nurses
International Association of Forensic Nurses
Medical Students for Choice
National Family Planning & Reproductive Health Association
National Physicians Alliance
Planned Parenthood Federation of America
Physicians for Reproductive Health
Society for Adolescent Health and Medicine
Society of Family Planning

Cc: Jeanne Lambrew, Deputy Assistant to the President for Health Policy
Tina Chen, Executive Director of the White House Council on Women and Girls

¹ Sobel, L., Salganicoff, A., Kurani, N., Wiens, J., Hawkes, K., and Shields, L. (2015). Coverage of Contraceptive Services: A Review of Health Insurance Plans in Five States. Kaiser Family Foundation.

² National Women's Law Center (NWLC). (2015). State of Birth Control Coverage: Health Plan Violations of the Affordable Care Act.